

1 **GEORGE M. RANALLI, ESQ.**

Nevada Bar No. 5748

2 **JOHN W. KIRK, ESQ.**

Nevada Bar No. 4654

3 **RANALLI & ZANIEL, LLC**

2400 W. Horizon Ridge Parkway

4 Henderson, Nevada 89052

Telephone: (702) 477-7774

5 Facsimile: (702) 477-7778

Attorney for Defendant,

6 STATE FARM MUTUAL AUTOMOBILE

INSURANCE COMPANY

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT COURT OF NEVADA**

9 SUSAN T. LAM, individually,)

10 Plaintiff,)

) CASE NO.:

11 vs.)

12 STATE FARM MUTUAL AUTOMOBILE)

13 INSURANCE COMPANY, DOES I-X, and)

14 ROE CORPORATIONS I-X, inclusive,)

15 Defendant.)

16 **DEFENDANT'S NOTICE OF REMOVAL**

17 TO: LANCE WILSON, Clerk, United States District Court for
18 the District Court of Nevada.

19 PLEASE TAKE NOTICE that Defendant, STATE FARM MUTUAL AUTOMOBILE
20 INSURANCE COMPANY, (hereinafter referred to as Defendant) hereby
21 removes the state court action titled SUSAN T. LAM vs. STATE
22 FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Case No. A-14-693967-
23 C, filed in the 8th Judicial District Court for the State of
24 Nevada, in and for the County of Clark, to this Court. A copy of

the 2nd Amended Complaint and Proof of Service are attached hereto as Exhibit "A" and are incorporated herein by reference.

The grounds for removal are:

1. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §§1441 (a)-(c), in that it is a civil action between citizens of different states and, upon information and belief, the matter in controversy exceeds \$75,000.00 exclusive of interest and costs, as set forth below.
2. Plaintiff SUSAN T. LAM is a resident of Clark County, State of Nevada.
3. Defendant, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, hereinafter, Defendant, is a corporation doing business and incorporated under the laws of the State of Illinois, with its principal place of business being in Bloomington, Illinois, and, as such at all relevant times therein has never been a citizen of the State of Nevada.
4. The Defendants sued as DOES 1-X and ROE CORPORATIONS 1-X are fictitious parties and are not relevant to the determination of subject matter jurisdiction. See 28 U.S.C. § 1441(a) (For purposes of removal jurisdiction under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.)

1 5. This lawsuit is premised on alleged breach of contract,
2 breach of implied covenant of good faith/bad faith,
3 fraudulent inducement, negligence, unfair practices and
4 breach of fiduciary duty by Defendant in connection with
5 its investigation of Plaintiff's uninsured motorist claim
6 arising out of motor vehicle accident in which Plaintiff
7 was involved on August 21, 2012. Plaintiff asserts breach
8 of covenant of good faith and fair dealing, fraudulent
9 inducement, negligence, violation of unfair claims
10 practices act and breach of fiduciary duty. As a result of
11 Defendant's actions, Plaintiff is seeking: general damages;
12 past and future personal, medical and related expenses; and
13 exemplary and punitive damages. The relevant provisions of
14 the insurance policy, Uninsured and Underinsured Bodily
15 Injury, provides coverage limits of \$15,000.00 per person
16 and \$30,000.00 per accident. On June 24, 2013 Plaintiff
17 made a policy limit demand.

18 6. Venue is appropriate in this Court pursuant to 28 U.S.C. §§
19 1441(a) and 1446(a)-(b), and Local Rule 8-1. This action
20 was originally brought in the 8th Judicial District Court,
21 Clark County, State of Nevada and the Complaint alleges
22 that the events claimed to give rise to liability occurred
23 in Clark County, Nevada.
24

1 7. This Notice of Removal is timely filed within thirty days
2 of service as required by 28 U.S.C. § 1446(b) in that it is
3 filed within thirty days after June 13, 2014, which is when
4 Plaintiff served Defendant with a copy of the Summons and
5 Complaint via Commissioner of Insurance.

6 8. Pursuant to 28 U.S.C. §1446 (d), Defendant has prepared and
7 will file with the Clerk of the 8th Judicial District Court
8 a Notice of Removed Action.

9 DATED this 11th day of July, 2014.

10 **RANALLI & ZANIEL, LLC**

11 
12 **GEORGE M. RANALLI, ESQ.**

13 Nevada Bar No. 5748

14 **RANALLI & ZANIEL, LLC**

15 2400 W. Horizon Ridge Parkway

16 Henderson, Nevada 89052

17 Attorney for Defendant
18
19
20
21
22
23
24

RANALLI & ZANIEL, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778

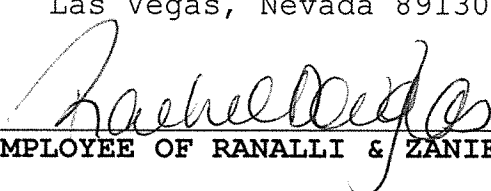
CERTIFICATE VIA CM/ECF

Pursuant to FRCP 5, I hereby certify that I am an employee of RANALLI & ZANIEL, LLC, and that on the 11th day of July, 2014, I caused to be served via CM/ECF a true and correct copy of the document described herein.

Document Served: DEFENDANT'S NOTICE OF REMOVAL

Person(s) Served:

Craig K. Perry, Esq.
Perry & Associates
3622 N. Rancho Drive, Suite 102
Las Vegas, Nevada 89130


An EMPLOYEE OF RANALLI & ZANIEL, LLC

RANALLI & ZANIEL, LLC
2400 WEST HORIZON RIDGE PARKWAY
HENDERSON, NEVADA 89052
TELEPHONE: (702) 477-7774 FAX: (702) 477-7778